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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No.

2013-771

12 **CHRISTINE KIRKPATRIC, a.k.a.**  
13 **CHRISTINE ANNE WAGGENER, a.k.a.**  
14 **CHRISTINE ANNA MUNRO**  
15 **KIRKPATRICK**  
16 **15 Sunshine Farms**  
17 **Bigelow, AR 72016**

**A C C U S A T I O N**

**Registered Nurse License No. 376005**

Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

- 21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
23 Consumer Affairs.
- 24 2. On or about August 31, 1984, the Board of Registered Nursing issued Registered  
25 Nurse License Number 376005 to Christine Kirkpatric, also known as Christine Anne Waggener,  
26 also known as Christine Anna Munro Kirkpatrick (Respondent). The Registered Nurse License  
27 expired on January 31, 2004, and has not been renewed.  
28

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

6. California Code of Regulations, title 16, section 1419.3, provides that a licensee may renew a license that has been expired for more than eight years by paying the renewal and penalty fees specified in Section 1417 and providing evidence that he or she holds a current valid active and clear registered nurse license in another state, a United States territory, or Canada, or by passing the Board's current examination for licensure.

7. Section 118, subdivision (b), of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

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1 similar to those of Morphine. Oxycodone can produce drug dependence of the Morphine type  
2 and, therefore, has the potential for being abused. Repeated administration of Percocet may result  
3 in psychic and physical dependence.

4 12. Lidoderm is a local anesthetic that blocks nerve signals in the body. It is a dangerous  
5 drug as defined by Code section 4022. Local anesthetics should only be employed by clinicians  
6 who are well versed in diagnosis and management of dose-related toxicity and other acute  
7 emergencies which might arise and then only after insuring immediate availability of oxygen,  
8 resuscitative drugs, CPR equipment, and the personnel resources needed for proper management  
9 of toxic reactions and related emergencies.

#### 10 COST RECOVERY

11 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
12 administrative law judge to direct a licentiate found to have committed a violation or violations of  
13 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
14 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
15 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
16 included in a stipulated settlement.

#### 17 CAUSE FOR DISCIPLINE

18 (Unprofessional Conduct – Out of State Discipline)  
19 (Bus. & Prof. Code § 2761, subd. (a)(4))

20 14. Respondent has subjected her registered nurse license to disciplinary action under  
21 Code section 2761, subdivision (a)(4), in that on or about June 9, 2011, in a disciplinary action  
22 before the Arkansas State Board of Nursing (“Arkansas Board”) entitled “In the matter of  
23 Christine Anna Munro Kirkpatrick, RN License No. R53783,” the Arkansas Board entered an  
24 Order placing Respondent’s Arkansas registered nurse license on probation for two years. The  
25 Order required Respondent to comply with the following terms and conditions of probation:  
26 (1) within five days of receipt of the Order, send her license to the Arkansas Board so that it could  
27 be marked “probation”; (2) notify each present and future employer in professional nursing of the  
28 Order and the probation conditions on her license, and present them a copy of the Consent

1 Agreement and Order; (3) if employed as a nurse, practice under an employer-monitored nurse  
2 contract; (4) cause her employer to submit a quarterly Performance Evaluation Report to the  
3 Arkansas Board; (5) immediately notify the Arkansas Board in writing of any change in name,  
4 address, or employer; (6) not work outside the State of Arkansas in another compact licensure  
5 state without the written permission of the Arkansas Board and the Board where Respondent  
6 wishes to work; (7) attend at least two weekly meetings of AA/NA or another Arkansas Board-  
7 approved treatment program and submit quarterly reports and evidence of attendance to the  
8 Arkansas Board; (8) submit to random drug screens; (9) abstain at all times from the use of  
9 controlled substances, including alcohol, except as prescribed by a licensed practitioner;  
10 (10) submit a quarterly personal report to accompany required data to the Arkansas Board;  
11 (11) execute any release necessary to give the Arkansas Board access to records; and (12) obey  
12 all federal, state, and local laws, and all rules governing the practice of nursing in Arkansas.

13 15. The Arkansas Board's Order was based upon the Findings of Fact and Conclusions of  
14 Law set forth in the Consent Agreement between Respondent and the Arkansas Board. The  
15 Consent Agreement found that on or about February 4, 2011, Respondent was terminated from  
16 Conway Regional Health System in Conway, Arkansas, after she refused to take a random drug  
17 screen. On or about January 26, 2011, while waiting to screen, Respondent allegedly told a co-  
18 worker that she had taken another person's medication. Respondent admitted to an evaluator that  
19 when she is in pain, she takes Percocet or Lidoderm patches prescribed to her mother.  
20 Respondent also admitted that she takes high blood pressure medication prescribed to her mother.  
21 The Arkansas Board concluded that Respondent's conduct constituted sufficient cause to  
22 suspend, revoke, or otherwise discipline her Arkansas nursing license. In lieu of a formal  
23 hearing, Respondent agreed to issuance of the above Order and signed the Consent Agreement on  
24 or about May 30, 2011.

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2 PRAYER


3 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
4 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

5 1. Revoking or suspending Registered Nurse License Number 376005, issued to  
6 Christine Kirkpatric, also known as Christine Anne Waggener, also known as Christine Anna  
7 Munro Kirkpatrick;;

8 2. Ordering Christine Kirkpatric, also known as Christine Anne Waggener, also known  
9 as Christine Anna Munro Kirkpatrick, to pay the Board of Registered Nursing the reasonable  
10 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
11 Code section 125.3; and

12 3. Taking such other and further action as deemed necessary and proper.  
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15 DATED: March 15, 2013

  
16 for LOUISE R. BAILEY, M.ED., RN  
17 Executive Officer  
18 Board of Registered Nursing  
19 Department of Consumer Affairs  
20 State of California  
21 Complainant

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